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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALMA SUE CROFT, individually and on behalf of all others similarly situated, Plaintiff, v. SPINX GAMES LIMITED, GRANDE GAMES LIMITED, and BEIJING BOLE TECHNOLOGY CO., LTD., Defendants.

Case No. 2:20-cv-01310-RSM

**PLAINTIFF’S EMERGENCY
UNOPPOSED MOTION AND
[PROPOSED] ORDER TO EXTEND
ALL DEADLINES BY THIRTY DAYS**

EMERGENCY MOTION

1. Class Representative Alma Sue Croft (“Class Representative”) submits this emergency motion to extend all settlement deadlines by thirty days.¹ Class Counsel has conferred with counsel for Defendants who do not oppose the motion.

2. On March 24, 2022, the Court granted Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (ECF No. 60) and thereby authorized the Settlement Administrator to establish an Escrow Account from which to hold and ultimately distribute the Settlement Fund. *See* Settlement Agreement ¶¶ 1.13, 1.33, 1.36.

3. The Settlement Administrator duly opened the Escrow Account with Signature Bank, N.A. (“Signature Bank”) and Defendants duly funded the Escrow Account pursuant to the terms of the Settlement Agreement.

4. On December 1, 2022, the Court granted Plaintiff’s Motion for Final Approval of Class Action Settlement (ECF No. 81) and thereby authorized the Settlement Administrator to distribute the Settlement Fund pursuant to the terms of the Settlement Agreement. The Court, however, retained jurisdiction “over all matters relating to the Settlement Agreement, including the administration, interpretation, construction, effectuation, enforcement, and consummation of the Settlement and this Order.” *Id.* ¶ 12.

5. Pursuant to the Settlement Agreement, the deadline by which to distribute the Settlement Fund to the Settlement Class is March 27, 2023. *See* Settlement Agreement ¶¶ 2.1(g).

6. On March 12, 2023, the State of New York announced that it had taken possession of Signature Bank and placed it into receivership.² Also on March 12, 2023, the United States Department of Treasury, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation jointly announced that all deposits at Signature Bank would be guaranteed by the United States government.³

¹ Unless otherwise specified, all capitalized terms shall have the same meaning as defined by the Class Action Settlement Agreement (ECF No. 77-1) (the “Settlement Agreement”).

² https://www.dfs.ny.gov/reports_and_publications/press_releases/pr20230312

³ <https://www.federalreserve.gov/newsevents/pressreleases/monetary20230312b.htm>

1 7. On March 13, 2023, to protect the Settlement Fund and the Settlement Class, Class
2 Counsel instructed the Settlement Administrator to immediately transfer the Settlement Fund to
3 Citibank, N.A. (“Citibank”), where Class Counsel maintains its Interest on Lawyer Account
4 (“IOLA”) in accordance with New York law.

5 8. To that end, the Settlement Administrator has initiated proceedings to open a
6 substitute Escrow Account at Citibank. The Settlement Administrator has informed Class Counsel
7 that it could take several days to open a new account. At such time, the Settlement Administrator
8 will immediately cause the Settlement Fund to be deposited into the Escrow Account at Citibank.

9 9. In the meantime, the Settlement Fund is being held in a checking account at Signature
10 Bank with a value below the Federal Deposit Insurance Corporation’s insurance limit, and in a money
11 market account at Signature Bank which is secured by United States Treasury bills.

12 10. Accordingly, to preserve the Settlement Fund and for the benefit of the Settlement
13 Class, the Class Representative respectfully requests that the Court grant this emergency motion and
14 extend all remaining settlement deadlines (including the March 27, 2023 initial distribution date) by
15 thirty days to allow for the Settlement Fund to be transferred to Citibank and then administered from
16 the Citibank Escrow Account.

17
18 Dated: March 14, 2023

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Philip L. Fraietta
Philip L. Fraietta

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5 *Local Counsel for Plaintiff*
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